

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JORDAN MILES,	)	
	)	
Plaintiff,	)	Civil Action No. 10-1135
	)	
v.	)	HONORABLE DAVID S. CERCONE
	)	
MICHAEL SALDUTTE, et al.,	)	
	)	
Defendants.	)	Electronically Filed.

RENEWED MOTION FOR COUNSEL FEES, COSTS  
AND PRE-JUDGMENT AND POST-JUDGMENT INTEREST

COMES NOW, the Plaintiff, JORDAN MILES, by and through his attorneys, LAW OFFICES OF JOEL SANSONE, JOEL S. SANSONE, ESQUIRE, and, pursuant to this Court's Memorandum Order of October 29, 2014, hereby files this Renewed Motion for Counsel Fees, Costs and Pre-Judgment and Post-Judgment Interest as follows:

1. This civil rights action was tried before a jury on March 10, 2014 through March 31, 2014. At the close of the case the jury awarded Plaintiff a verdict in the amount of \$119,016.75.<sup>1</sup>
2. Plaintiff previously submitted affidavits for all attorneys who participated in this case. Pursuant to this Court's October 29, 2014 Order, Plaintiff hereby resubmits the relevant affidavits. These affidavits include, *inter alia*, a list of fee time and costs expended by each attorney in this matter which has been redacted to only include the fees and costs expended through June 20, 2011. These affidavits are attached hereto at Exhibit "A."
3. The total amount of hours expended by Plaintiff's counsel in the prosecution of this

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<sup>1</sup> By Order of the Court dated June 19, 2014, the Court "amended" the judgment to \$119,016.75, which appears to be an amount identical to the original verdict. For that reason, Plaintiff asserts that pre-judgment interest should be awarded from March 31, 2014, the date of the original judgment.

action through June 20, 2014, is 162.45 hours.

4. Given the length of time that this case was litigated, as well as the unique difficulty of this case based upon the facts, and the need for two trials to resolve all issues, Plaintiff hereby requests that this Honorable Court award fees in a threshold amount of \$525 per hour for all time expended by attorney Timothy O'Brien and \$600 per hour for all time expended by Kerry Lewis. In support of this request, the Plaintiff has attached affidavits from prominent attorneys in this field from this area, which affidavits attest that the hourly rates requested for lead counsel in this matter are reasonable, both under the circumstances of this community, as well as given the scope and breadth of Plaintiff's counsels' experience and skill in this field. (See, Exhibit "B" attached hereto.)

An award of \$525 per hour for Timothy O'Brien's time (20.4 hours) yields \$10,710.00, and \$600 per hour for Kerry Lewis' time (142.05 hours) yields \$85,230.00.

The total requested fees for all attorney time is \$95,940.00.

5. In addition, the total amount of costs expended through June 20, 2011, is \$5,567.25.<sup>2</sup> Plaintiff has compiled a modified list of fees and out-of-pocket expenditures necessary to prosecute the above-captioned civil action through June 20, 2011, based on the Court's Order. Those fees and costs are set forth at Exhibit "C" hereto.

6. Plaintiff also respectfully requests that this Honorable Court enter an Order granting pre- and post- judgment interest to the Plaintiff. Adding the proposed fees and proposed costs above yields the sum of \$101,507.25. Multiplying that amount by the Pennsylvania statutory interest

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<sup>2</sup> Support for the following expenditures is attached hereto as Exhibits "A" and "C" as follows:  
A1. Affidavit of Timothy O'Brien detailing costs for Law Offices of Timothy O'Brien  
A2. Affidavit of J. Kerrington Lewis detailing costs for Lewis Lewis & Reilly

rate of six percent<sup>3</sup>, multiplied by five years since the date of the incident in question yields a pre- and post-judgment interest award of \$30,452.20.

7. Plaintiff, therefore, requests fees, costs and pre- and post-judgment interest in the total amount of \$131,959.45. Plaintiff respectfully reserves the right to amend this petition to include additional attorney time, fees and costs and pre- and post-judgment interest after the appeals in this matter are concluded.

8. Plaintiff respectfully asserts that he makes this motion in light of the Court's Order of October 29, 2014. Plaintiff in no way intends to waive his right to object to and appeal the substance of that Order and nothing in the within motion, including but not limited to the making of said motion, should be construed as any waiver of the Plaintiff's right to a full award for attorney fees and costs as contemplated by Plaintiff's original filing on this subject.

WHEREFORE, for all of the above reasons, Plaintiff respectfully requests that this Court enter an award granting the Plaintiff reasonable attorney's fees, costs and pre- and post-judgment interest in the amounts described hereinbefore above.

Respectfully submitted,

LAW OFFICES OF JOEL SANSONE

s/Joel S. Sansone  
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Dated: December 3, 2014

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<sup>3</sup> See 42 Pa.C.S. 8101 and 4 Pa.C.S. 201 Stat.An. *See, also, Wyatt, Inc. v. Citizens Bank of Pennsylvania*, 976 A.2d 557 (Pa.Super. 2009).